

Remarks

Claims 1, 4-8, 10-17, and 20-59 are pending in the application. Claims 12-16 have been withdrawn from consideration. Claims 1, 4-8, 10-17, and 20-59 stand rejected.

Claim 35 has been canceled by the present Amendment.

New claims 60-92 have been added which are identical to claims 25-58 except that new claims 60-92 ultimately depend from claim 6 and recite a “composition,” whereas claims 25-58 ultimately depend from claim 1 and recite “test agents.”

Claims 1, 4, 5, 10, 11, 17, 25-34, 36-47, 49-55, and 59-59 have been amended. Claims 30 and 34 have been amended to remove recitation of the word “overall.” Claim 59 has been amended to state a function of the method in the preamble and to identify a step of “identifying.” Claims 1, 4, 10, 17, 25-34, 36, 37, 43-47, 51-55 have been amended to alter the antecedent bases of these claims. Claims 10, 11, 25-28, 31, 32, 36, 38-43, and 51 have been amended to alter the dependencies of those claims. Claims 4, 5, 10, 11, 25, 28, 32, 44-46, 49, 50, 52-54, 57, and 58 have been amended to clarify the language of those claims.

No new matter has been added by the present Amendment. Applicant specifically reserves the right to pursue the subject matter of the canceled or amended claims in a related application. The present Amendment is introduced for the sole purpose of furthering prosecution. Applicant respectfully requests reexamination and reconsideration of the case in light of the present Amendments and the following Remarks. Each of the rejections levied in the Office Action is addressed individually below.

Rejection under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite

Claims 1, 4-8, 10-17, and 20-59 stand rejected under 35 U.S.C. § 112, second paragraph, on the grounds that they are indefinite.

As an initial matter, Applicant is confused as to why claims 1 and 6 are included by the Examiner in this rejection. None of the specific rejections under § 112, second paragraph, that the Examiner outlined in the Office Action pertain to claims 1 and 6. Applicant, therefore, respectfully submits that claims 1 and 6 are allowable and requests a Notice to that effect.

The Examiner states that there is insufficient antecedent basis for recitation of “the phosphorylated protein” in claims 4 and 10. Applicant thanks the Examiner for pointing out these inadvertent errors and has amended claims 4 and 10 to remove recitation of “the

phosphorylated protein.” Applicant therefore, respectfully submits that the rejection is rendered moot by the present Amendment.

The Examiner states that there is insufficient antecedent basis for recitation of “tau” in claim 11. Applicant thanks the Examiner for pointing out these inadvertent errors and has amended claim 11 to depend from claim 10. Applicant therefore, respectfully submits that the rejection is rendered moot by the present Amendment.

The Examiner points out that claim 17 depends from claim 3, which has been canceled. Applicant thanks the Examiner for pointing out this inadvertent error. Applicant has amended claim 17 to remove its dependency from claim 3. Applicant, therefore, respectfully submits that the rejection is rendered moot by the present Amendment.

The Examiner states that there is insufficient antecedent basis for recitation of “the test agent or the composition” in claim 25 and in all other occurrences because claims 1 and 6 do not contain both features. Applicant disagrees with the Examiner’s position. However, *solely* in order to further prosecution, Applicant has added new claims 60-92, which are identical to claims 25-58 except that new claims 60-92 ultimately depend from claim 6 and recite a “composition,” whereas claims 25-58 ultimately depend from claim 1 and recite “test agents.” Applicant, therefore, respectfully submits that the rejection is rendered moot by the present Amendment.

The Examiner states that there is insufficient antecedent basis for recitation of “the PP2A methylation status” in claim 30. Applicant respectfully disagrees with the Examiner’s position. Claim 3 depends from claim 28, which depended from either claim 1 or 6. Both of claims 1 and 6 recite “PP2A methylation status.” Applicant, therefore, respectfully submits that there is sufficient antecedent basis for recitation of “the PP2A methylation status” and respectfully requests that the rejection be removed.

The Examiner states that “the overall effect,” as recited in claim 30, is not understood in context and how such an effect would or would not be overall is not seen. Without agreeing with the Examiner, and *solely* in order to further prosecution, Applicant has amended claim 30 to remove recitation of “overall.” In addition, Applicant observed that claim 34 also recited “the overall effect.” Applicant removed recitation of “overall” from claim 34 as well. Applicant, therefore, respectfully requests that the rejection be removed.

The Examiner states that recitation of “the composition is not already known” in claim 35 is improper and does not state to whom it is not known and when, before or after practicing the invention. Without agreeing with the Examiner, and *solely* in order to further prosecution, Applicant has canceled claim 35. Applicant, therefore, respectfully requests that the rejection be removed.

The Examiner states that there is insufficient antecedent basis for recitation of “the step of contacting or administering” in claim 44. Applicant thanks the Examiner for pointing out this inadvertent error. Applicant has amended claim 44 to remove recitation of “of administering.” Applicant, therefore, respectfully submits that the rejection is rendered moot by the present Amendment. In addition, Applicant observed that claim 47, which depends from the same claim from which claim 44 depends, also recited “the step of contacting or administering.” Thus, Applicant also removed recitation of “of administering” from claim 47. Applicant further observed that claims 52 and 55 recited “the step of contacting or administering,” even though they both depend from claim 51, which recites a step of administering and does not recite a step of contacting. Applicant, thus, removed recitation of “of contacting” from claims 52 and 55.

The Examiner states that there is insufficient antecedent basis for recitation of “the methylation status” in claim 45 because it ultimately may depend from claim 1. Without agreeing with the Examiner, and *solely* in order to further prosecution, Applicant has amended claims 44-46 and 52-54 to recite “the PP2A methylation status,” which has verbatim antecedent basis in both of claims 1 and 6, instead of “the methylation status of PP2A.” Applicant, therefore, respectfully submits that the rejection is rendered moot by the present Amendment.

The Examiner states that recitation of “the methylation status refers to” in claim 53 is unclear because it is not understood how it may relate to something referred to. Without agreeing with the Examiner, and *solely* in order to further prosecution, Applicant has amended claims 44-46 and 52-54 to recite “with the test agents or the composition relative to the PP2A methylation status without the test agents or the composition.” Applicant added this language to claims 44-46 and 54 as well. Applicant, therefore, respectfully requests that the rejection be removed.

The Examiner states that claim 59 is incomplete in that the preamble does not state the function of the method and there is no correlating step to accomplish anything. Applicant disagrees with the Examiner’s position. Applicant respectfully submits that a preamble is not

required to state the function of the method. However, without agreeing with the Examiner, and *solely* in order to further prosecution, Applicant has amended the preamble of claim 59 to recite “A method for identifying agents that modulate PP2A methylation, the method comprising steps of.” In addition, Applicant has amended claim 59 to recite a step of “identifying, based on the assessed effects, one or more test agents that modulate PP2A methylation,” as recited in claims 1 and 6. Applicant, therefore, respectfully requests that the rejection be removed.

Title of the Invention

In the previous Office Action mailed on February 10, 2009, the Examiner stated that the title of the invention was not descriptive and that a new title was required. In the response to the February 10, 2009 Office Action, submitted on May 11, 2009, Applicant respectfully disagreed and submitted that the title was descriptive. Applicant also requested that the Examiner suggest a title that would be acceptable.

The Examiner did not repeat the objection to the title of the invention in the present Office Action. Applicant is unclear whether the Examiner has withdrawn this objection or if the Examiner intended to include this objection in the present Office Action, but inadvertently failed to do so. If the Examiner continues to object to the title of the invention, in the interest of expediting prosecution, Applicant respectfully requests that the Examiner telephone Applicant in order to discuss and agree upon an acceptable title to be entered directly into the application via an Examiner’s amendment.

Conclusion

For all of the reasons set forth above, each of the rejections in this case should be removed and the application should proceed to allowance. A Notice to that effect is respectfully requested.

If, at any time, it appears that a phone discussion would be helpful, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner’s convenience. The undersigned can be contacted at (617) 248-4903.

Respectfully submitted,

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Date: August 12, 2009